



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**April 26, 2004**

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**SUBJECT: 2000-0523 – Moffett Park Specific Plan Associated Zoning Code Amendments**

**Introduction of  
an Ordinance**

Adopt Chapter 19.29 Moffett Park Specific Plan and other associated amendments to Title 19 of the Sunnyvale Municipal Code.

**Background**

On April 12, 2004 the Planning Commission voted 5-0 to forward a recommendation for adoption of the Moffett Park Specific Plan (MPSP) to the City Council and to have the draft zoning ordinance amendments available for review on April 26, 2004 for separate action. The draft zoning ordinance has been prepared for the Planning Commission review in order to forward a recommendation concerning its adoption to the City Council. The draft zoning ordinance completes the original scope of the Moffett Park Specific Plan project.

**Discussion**

There are four primary topics covered in the zoning ordinance that were not covered in detail in the Specific Plan. These implementing details or the Specific Plan provisions are highlighted below.

1. Allowable Use Matrix (Zoning Ordinance 19.29.050)
2. Development standards (Zoning Ordinance 19.29.080)
3. Creation of major and minor Moffett Park Design Review Permits (Zoning Ordinance 19.29.090, 110)
4. Creation of major and minor Moffett Park Special Development Permits (Zoning Ordinance 19.29.100, 120)

### *Three Types of Moffett Park Land Use Permits*

Three general types of planning permits will be applicable to changes of use and future development within Moffett Park. The key differences between the permit types are the required degree of CEQA review and the review of the appropriateness of the use on the proposed site. There is a dual hierarchy for the permit types with minor permits reviewed by Director of Community Development (staff) and major permits reviewed by the Planning Commission. Access to the Development Reserve can only be granted through approval of major permit.

#### I. Miscellaneous Plan Permit (MPP)

The lowest level of review is a staff reviewed MPP without a public hearing. The MPP includes site development issues ranging from outdoor storage/uses and parking analysis to architectural, color, or material changes to existing buildings. MPPs are generally exempt from CEQA and are used citywide within all zoning districts. MPP decisions are appealable one level to the Planning Commission for a final decision.

#### II. Moffett Park Design Review (MP-DR)

Design Review is required for all new development and major changes to site layout or architectural design for both existing and "Permitted Uses (P)." The design review permit structure is divided into a Major and Minor level of review by the Planning Commission and Director of Community Development (staff), respectively.

Major permits are defined as development requests to exceed the Standard FAR limitation that utilize the *Green Building Option* for access to the Development Reserve or use of TDR. Projects that require preparation of a supplemental or project EIR, regardless of FAR level, are also classified as a Major MP-DR.

Minor permits are defined as development up to the Standard FAR of the underlying zoning and include associated environmental documentation, such as CEQA exemptions and negative declarations tiered from the Program EIR.

To date, staff processing of negative declarations is not common in Sunnyvale. However, it has occurred occasionally and is consistent with CEQA requirements. In addition, staff anticipates that negative declarations would be rare with most development proposals in Moffett Park exempt from additional CEQA review.

Similar to design review which currently occurs throughout the city, the scope of review for a MP-DR is restricted to site and architectural design considerations, compliance with design guidelines, compliance with development standards, and conformance with the mitigation monitoring program or subsequent environmental documentation mitigation requirements.

The decision to approve or deny a major or minor permit may be appealed up one level of approving authority for a final decision.

### III. Moffett Park Special Development Permit (MP-SDP)

The MP-SDP is similar to the City's existing Special Development Permit format used throughout the city. This permit is applicable to uses indicated as "SDP" in the Allowable Use Matrix, as well as to permitted uses that request deviations to development standards or request to exceed the Standard FAR limitation. The SDP review includes the considerations of a design review described above and a determination of the appropriateness of the use at the proposed location.

The MP-SDP consists of major and minor permits, reviewed by the Planning Commission and Community Development Director (Administrative Hearing) respectively.

Major permits include development that requests to exceed the Standard FAR limitation and do not utilize the *Green Building Option*, requests for deviations to green building development standards regardless of FAR, and projects requiring a supplemental or project EIR.

Minor permits are defined as development up to the Standard FAR of the underlying zoning and include associated environmental documentation, such as CEQA exemptions and negative declarations tiered from the Program EIR. Minor MP-SDP permits require that a public hearing be held (Administrative Hearing level) for determination of approval or denial. The decision to approve or deny a major or minor permit may be appealed up one level of approving authority for a final decision.

### **ALLOWABLE USES**

A complete list of allowable uses is contained within the draft ordinance. Of particular concern at a Planning Commission study session was the proposed definitions for Places of Assembly. The definitions have been adjusted as discussed below to clearly articulate the intent of the uses. Adult Entertainment Business uses have also been adjusted to be a permitted use within the Moffett Park District which is consistent with the other industrial zoning districts in Sunnyvale.

*Business supporting* and *Non-business supporting places of assembly* have been modified to clearly articulate the intent of the designation is not to preclude of non-regular or non-permanent temporary assembly. For example, meetings of organizations on a non-permanent basis, such as a Rotary lunch at a restaurant, are permitted.

**Places of Assembly – business serving** means *permanent* headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, such as business associations, professional membership organizations, labor unions and similar organizations.

**Places of Assembly – community serving** means *permanent* headquarters and meeting facilities for civic, social and fraternal organizations (not including lodging), political organizations and other membership organizations. This category includes religious uses and facilities operated for worship; promotion of religious activities, including houses of worship and education and training; and accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the primary use. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other related operations (such as a recreational camp) are classified according to their respective activities.

### **Summary**

The zoning ordinance amendments are consistent with the intent and purpose of the various provisions of the Specific Plan. The zoning ordinance is consistent with and part of the original project review as part of the certified MPSP EIR certified on November 11, 2003 and does not required additional CEQA documentation.

### **ALTERNATIVES**

1. Recommend approval of the Draft Zoning Code Amendments.
2. Recommend approval of the Draft Zoning Code Amendments with modifications.
3. Do not recommend approval of Draft Zoning Code Amendments and direct staff as to where modifications need to be made.

## **RECOMMENDATION**

Recommend Alternative 1 to the City Council

Prepared by:

Kelly Diekmann  
Associate Planner

Reviewed by:

Gerri Caruso  
Principal Planner

Reviewed by:

Trudi Ryan  
Planning Officer

## **Attachments**

- A. Moffett Park Specific Plan (previously distributed and reviewed)
- B. Draft Zoning Ordinance Amendment
- C. Subdistrict Zoning Map

